



RICHARD G. HYPPA
Attorney at Law
SBN104547
Tracy Law Center
120 E. 12th St.
Tracy, CA 95376

Not Signed: August 27, 2019

Stephen L. Johnson
U.S. Bankruptcy Judge

Telephone 209) 836-9288
Facsimile 209) 836-9289

Attorney for Interested Parties
MYRON PALMORE, CARRIE
PALMORE

* see reason below

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In Re:

MADISYN NORTHEAST, LLC,
Debtor.

Case No.: 10-59531

ORDER ON EXPARTE APPLICATION TO REOPEN
CASE; RE-APPOINT TRUSTEE

The Exparte Application to Reopen Case; Re-appoint Trustee filed by Interested Parties MYRON PALMORE and CARRIE PALMORE having been considered by the Court,

Upon proof to the satisfaction of the Court and good cause appearing therefore,

IT IS ORDERED that the above-captioned Bankruptcy case shall be reopened to allow Interested Parties MYRON PALMORE and CARRIE PALMORE to move the Court for an Order Granting Motion to Value Collateral and to Avoid Junior Lien which was filed by the Debtor MADISYN NORTHEAST, LLC on October 13, 2010. No Trustee shall be appointed.

END OF ORDER

Motion is unclear if movant is entitled to relief. Within 10 days, Movant needs to file a supp. brief with applicable legal authorities addressing (1) how movant has standing to step into debtor's shoes to request relief on a motion filed by debtor; and (2) what authority the court has to rule on a motion to value and avoid lien in this ch 7 case when Dewsnap v. Timm, 502 U.S. 410 (1992), holds that a debtor cannot value collateral and strip lien in chapter 7. See also In re Laskin, 222 B.R. 872 (9th Cir. BAP 1998)(Ch 7 debtor lacks standing to avoid lien under sec. 506). Movant may resubmit order after filing the brief. Failure to timely file the brief will result in the denial of the motion without further notice.